



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Russell J. Gulley, Vice Chairman
Mr. Jack R. Wilson, III
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Advance Planning
and Research and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review Section, Planning Department
Ms. Natalie M. Molver, Planner, Development Review,
Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department

Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Section, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administration
Section, Planning Department
Ms. Michelle L. Martin, Secretary, Administrative Section,
Planning Department
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Steven E. Simonson, Senior Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. John W. Harmon, Manager, Right of Way,
Utilities
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. Michael S. Golden, Director,
Parks and Recreation Department
Assistant Fire Marshal John P. Jones,
Fire Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration

ASSEMBLY AND WORK SESSION

Messrs. Gecker, Gulley, Wilson, Litton, Bass and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room (1st Floor) of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

- A.** Requests to **Postpone Action, Emergency Additions, Changes** in the **Order of Presentation** and **Dinner Location Selection**.
- B.** Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)

- C. Review **Day's Agenda**. (Any items listed for the 3:00 p.m. and 6:00 p.m. sessions.)
- D. **Plans and Information Section Update.**
- E. **Work Program – Review and Update.**
- F. **Status Report - *Swift Creek Reservoir Master Plan and Maintenance Program.***
- G. **Recess.**

A. **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION AND DINNER LOCATION SELECTION.**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission amended and reordered the agenda accordingly to add the Proposed *Upper Swift Creek Plan* Amendment to Item XII., Comprehensive Plan Amendments, at the 7:00 p. m. public meeting/hearing; and to add the draft May 3, 2007, Planning Commission meeting minutes for consideration at the 3:00 p. m. public meeting.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Riptides Seafood Restaurant at 5:00 p. m.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

ABSENT: Mr. Litton.

Ms. McGee introduced Ms. Lavonda Rowe, a student from The William and Mary School of Law, interning with the County Attorney's Office.

Assistant Fire Marshal John Jones introduced Lieutenant Frank Nause, Fire and Life Safety Division and 2nd Deputy Chief Frank Edwards, Support Services, who were present.

B. **REVIEW UPCOMING AGENDAS.**

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of June, July and August 2007.

C. **REVIEW DAY'S AGENDA.**

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p. m. Public Meeting and Hearing.

Mr. Larson updated the Commission relative to the status of the proposed *Northern Courthouse Road Community Plan*, *Upper Swift Creek Plan* Amendment and *The Thoroughfare Plan* Amendment, noting proposed revisions to include a correction to the *Northern Courthouse Road Community Plan*; and a revision to the proposed *Upper Swift Creek Plan* Amendment designating the Mansfield Crossing Subdivision lake as open space since legal documentation had been provided by residents of Mansfield Crossing Subdivision indicating the lake was a privately held entity. He also updated the Commission as to the status of the proposed Code Amendment relative to the sale of alcoholic beverages near schools, residentially-zoned property, day care centers, churches and other places of worship, scheduled for public hearing at the 7:00 p. m. session. He further referenced a memo from Mr. Kelly Miller, Chairman of the Board of Supervisors, noting the Board would be considering an item at their May 23, 2007, meeting to grant the Commission's request for an extension on the *Upper Swift Creek Plan* Amendment recommendation.

D. PLANS AND INFORMATION SECTION UPDATE.

Mr. Larson presented an overview of proposed modifications relative to Planning Department Subdivision Review fees for the FY-08 budget process.

Upon conclusion of the discussion, the Commission requested that staff add the proposed FY-08 Planning Department Fee Adjustments to the June 19, 2007, Work Session agenda and, at that time, the Commission would establish/appoint a committee to review/discuss the proposed fee adjustments.

E. WORK PROGRAM.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the June 2007 Work Program, as presented.

F. STATUS REPORT - SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM.

Messrs. McElfish and Flanigan updated the Commission as to the status of the *Swift Creek Reservoir Master Plan and Maintenance Program*, the focus of which was an overview of the stakeholder meetings conducted as part of the tasks needed to address modifications to the *Watershed Master Plan* and which meetings pertained to issues concerning County ordinances that could influence pervious and impervious surfaces, thereby, influencing the quantity and quality of stormwater from future development.

G. RECESS.

There being no further business to discuss, the Commission adjourned at 1:42 p. m., agreeing to reconvene in the Multipurpose Room at 3:00 p. m. for the public meeting.

3:00 P. M. PUBLIC MEETING

Messrs. Litton and Turner arrived at 3:00 p. m.

Mr. Gecker, Chairman, called the meeting to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures for schematic plans and development standards waivers.

C. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the April 17, April 19 and May 3, 2007, Planning Commission minutes, which documents had been emailed to the Commission.

Mr. Gulley stated he had not had an opportunity to review the minutes and suggested deferral to the June 19, 2007, meeting.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer consideration of the April 17, 2007, Planning Commission minutes to the June 19, 2007, meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer consideration of the April 19, 2007, Planning Commission minutes to the June 19, 2007, meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer consideration of the May 3, 2007, Planning Commission minutes to the June 19, 2007, meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

D. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.

07PS0333: In Midlothian Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested amendment to schematic plan 82PS1004 relative to location of parking areas and approval of parking lot landscaping. This development is commonly known as **MIDLOTHIAN HIGH SCHOOL RECREATION SITE IMPROVEMENTS**. This request lies in a Residential (R-15) District on a sixty-eight (68) acre parcel fronting approximately 3,100 feet on the east line of Charter Colony Parkway, also fronting approximately 750 feet on the north line of North Woolridge Road and located in the northeast quadrant of the intersection of these roads. Tax ID 726-704-6792 (Sheet 5).

Mr. Will Wheeler, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of an amendment to schematic plan 82PS1004 relative to location of parking areas and approval of parking lot landscaping for Case 07PS0333, Chesterfield County Parks and Recreation (Midlothian High School Recreation Site Improvements), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Prior to final site plan approval, a site inspection will be conducted by an agent of the Planning Department to determine if and where supplemental evergreen trees will be required. Open areas twenty (20) feet in width or greater shall be supplemented with seven (7) foot tall evergreen trees planted a maximum of twelve (12) feet on center. A landscape plan shall be submitted for review and approval by the Planning Department.
2. All exterior lights on the school property shall be oriented and/ or equipped with shields or other fittings to minimize the effect of light on adjacent residences.

(Note: Proposed lighting of the existing play field as indicated on the Conceptual Master Plan dated August 8, 2006 is not part of this request and staff's recommendation does not apply to the field lighting.)
3. A six (6) foot tall chain link fence shall be installed along the Midlothian High School's shared property line with 500 Coalfield Road, GPIN 727-705-5604. This fence shall be shown and installed as part of the improvements proposed with the site plan known as Midlothian High School Recreation and Site Improvements, Site Plan 07PR0261.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

07TW0326: In Clover Hill Magisterial District, **ZENO AND CHARLOTTE ROUSSEAU** requested a development standards waiver to the Zoning Ordinance provision in Section 19-510(a)(1) to permit a boat to be parked outside the required rear yard. This project is commonly known as **11501 BAILEY WOODS DRIVE**. This request lies in a Residential (R-9) District on a .23 acre parcel fronting approximately seventy-five (75) feet on the south line of Bailey Woods Drive. Tax ID 742-679-1230 (Sheet 16).

Mr. Feest presented an overview of the request and staff's recommendation for denial, noting the current location of the boat in the front yard was not adequate to provide screening; the existing shed in the driveway precluded the owner's ability at a minimum to park the boat next to the home and provide some screening; the application, if approved, may have adverse impacts on the neighborhood; and approval of

the application could set precedent for future applications of this nature. He stated that if Commission should elect to approve the application, staff recommended the Condition in this report be included.

Ms. Charlotte Rousseau, one of the applicants, did not accept staff's recommendation, stating she would like to keep the boat in its current location, if possible.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley noted the subject application was the result of a complaint through the County's web site; suggested the request be deferred thirty (30) days, on his motion, to allow the applicants an opportunity to canvas the neighborhood with a petition seeking support for their request; and asked the applicants to explore the feasibility of locating the boat as close to the garden as possible in the rear yard or consider other alternatives.

In response to questions from Mr. Bass, Mr. Rousseau stated the detached building adjacent to the dwelling was used as a shed and was not large enough to house the boat.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07TW0326, Zeno and Charlotte Rousseau (Bailey Ridge Estates), to the June 19, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. RECESS.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the Commission adjourned the public meeting at approximately 3:12 p. m., agreeing to meet at Riptides Seafood Restaurant at 4:45 p. m. for dinner.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

6:00 P. M. PUBLIC MEETING AND HEARING

Mr. Gecker, Chairman, called the meeting to order at 6:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were nineteen (19) cases scheduled on the June 19, 2007, agenda; ten (10) cases scheduled on the July 17, 2007, agenda; and one (1) case scheduled on the August 21, 2007, Planning Commission meeting agenda.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission amended the agenda to move Case 07SN0141, Enon LLC, from the Deferral Requests by Applicants to the Deferral Requests by Individual Planning Commissioners' Agenda and to move Case 07SN0309, Roper Bros. Lumber Co. Inc. and Nash Road/Woodpecker Road LLC, from the Discussion Agenda to the end of the Consent Agenda and reordered the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures for rezonings and conditional uses.

F. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.

There were no citizen comments on unscheduled matters at this time.

H. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUEST FOR WITHDRAWAL.**

07SN0210: In Bermuda Magisterial District, **RICHARD M. ALLEN** withdrew the request for an amendment of Conditional Use Planned Development (Case 87S090) and amendment of zoning district map relative to hours of operation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Neighborhood Business (C-2) District on 12.2 acres fronting approximately 760 feet on the north line of Iron Bridge Road, also fronting approximately 720 feet on the east line of Chalkley Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 779-653-7767 and 780-654-Part of 0821.

No one was present to represent the request.

In response to questions from the Commission, staff indicated written documentation had been submitted withdrawing Case 07SN0210.

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission acknowledged withdrawal of Case 07SN0210.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

07SN0292: In Bermuda Magisterial District, **EMERSON COMPANIES LLC** requested deferral to August 21, 2007, for consideration of rezoning and amendment of zoning district map from Community Business (C-3) and General Business (C-5) to Residential Townhouse (R-TH) plus proffered conditions on an adjacent six (6) acre parcel zoned Community Business (C-3) and General Business (C-5). Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 16.2 acres fronting approximately 810 feet on the west line of Jefferson Davis Highway approximately 150 feet south of Velda Road. Tax IDs 794-665-8176 and 794-666-6515.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 07SN0292 to the August 21, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0292 to the August 21, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0298: In Dale Magisterial District, **KEVIN L. FLOYD PE, LS** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15). Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 51.2 acres fronting approximately 690 feet on the north line of Beach Road approximately 630 feet west of Gates Bluff Drive. Tax IDs 763-661-Part of 7607 and 764-662-Part of 3891 and 7481.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0298 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0298 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0299: In Bermuda Magisterial District, **PRINCETON PROPERTIES, INC.** requested deferral to June 19, 2007, for consideration of amendment to Conditional Use Planned Development (Case 06SN0196) and amendment of zoning district map to permit multifamily residential uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies in a Residential Townhouse (R-TH) District on 6.1 acres lying approximately 1,100 feet off the south line of Iron Bridge Road approximately 700 feet west of Branders Creek Drive. Tax ID 776-652-Part of 7257.

No one was present to represent the request; therefore, it was the consensus of the Commission to place Case 07SN0299 at the end of the deferral agenda to allow the applicant's representative an opportunity to arrive.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0300: In Bermuda Magisterial District, **ANDREW WALKER** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 0.6 acre and is known as 3453 West Hundred Road. Tax ID 793-655-4597.

No one was present to represent Case 07SN0300.

In response to questions from the Commission, staff indicated written documentation had been submitted requesting deferral of Case 07SN0300 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0300 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0307: In Matoaca Magisterial District, **BATTLEGROUND RESTAURANTS, INC. AND MICHAEL MCCAFFERY** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A), Neighborhood Business (C-2) and Corporate Office (O-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 7.9 acres fronting approximately 490 feet on the south line of Hull Street Road approximately 470 feet west of Mockingbird Lane. Tax IDs 729-673-5883 and 8052 and 729-674-8507.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0307 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0307 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0308: In Bermuda Magisterial District, **EMERSON COMPANIES LLC** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use uses. This request lies on 4.4 acres fronting approximately 560 feet on the north line of East Hundred Road approximately 1,300 feet west of Kingston Avenue. Tax IDs 817-652-5138, 6725 and 8321.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 07SN0308 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0308 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0339: In Matoaca Magisterial District, **HULL STREET ASSOCIATES, LLC AND MICHAEL DZAMAN, MANAGING MEMBER** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 15.9 acres fronting approximately 650 feet on the south line of Hull Street Road approximately 2,330 feet west of Otterdale Road, also fronting approximately 250 feet on the north line of Hampton Park Drive. Tax IDs 710-668-3301 and 6409.

No one was present to represent Case 06SN0339.

In response to questions from the Commission, staff indicated the applicants were aware that a representative for the request needed to be present, noting that written documentation requesting deferral of Case 06SN0339 to the June 19, 2007, Planning Commission public hearing had been submitted.

There was no opposition to the deferral.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0339 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0134: (Amended) In Bermuda Magisterial District, **SECOND FORTUNE, LLC** requested deferral to August 21, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) and Corporate Office (O-2) and from Community Business (C-3) to Corporate Office (O-2), plus proffered conditions on an adjacent parcel currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 4.1 acres fronting approximately 440 feet on the southeast line of Meadowville Road approximately 530 feet north of West Hundred Road; also fronting approximately 200 feet on the north line of East Hundred Road approximately 400 feet east of Meadowville Road. Tax IDs 814-652-5387 and 814-653-4407, 5807, 6613, 7317 and 7920.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 07SN0134 to the August 21, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0134 to the August 21, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

03SN0203: In Bermuda Magisterial District, **ROLLING RIDGE LLC** requested deferral to September 18, 2007, for consideration of rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to ten (10) units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre with high density residential, community-scale commercial or corporate office uses appropriate under certain circumstances. This request lies on 40.2 acres fronting approximately seventy-five (75) feet on the north line of Rio Vista Street approximately 350 feet east of Jefferson Davis Highway, also fronting approximately 1,800 feet on the south line of Route 288 approximately 350 feet east of Jefferson Davis Highway. Tax IDs 797-661-5231 and 798-661-2276.

Mr. Roger Bowers, the applicant's representative, requested deferral of Case 03SN0203 to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral; however, an adjacent property owner stated he wished to bring to staff's attention that the information relative to the request, provided on the County's automated recording system, was difficult to understand as the person who recorded the information was speaking too rapidly.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 03SN0203 to the September 18, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

05SN0239: In Clover Hill Magisterial District, **THE CHEATHAM FAMILY LIMITED PARTNERSHIP** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 63.5 acres fronting approximately 550 feet on the north line of Hull Street Road, also fronting approximately 2,400 feet on the west line of Route 288 and located in the northwest quadrant of the intersection of these roads. Tax IDs 733-680-Part of 9439; 734-678-2276; and 734-681-0526 and 3904.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 05SN0239 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0239 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0181: In Clover Hill Magisterial District, **TASCON GROUP INC.** requested deferral to June 19, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 21.8 acres fronting approximately 580 feet on the southwest line of Reams Road at its intersection with Winters Hill Place, also fronting the western termini of Rockdale and Gallatin Roads. Tax ID 752-698-3368.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0181 to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0181 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0206: (Amended) In Matoaca Magisterial District, **GBS HOLDING LTD** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 38.8 acres fronting approximately 290 feet on the west line of Old Hundred Road approximately 2,900 feet northwest of Otterdale Road. Tax ID 714-698-Part of 3178.

Mr. Casey Sowers, the applicant's representative, requested deferral of Case 07SN0206 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0206 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0223: In Matoaca and Midlothian Magisterial Districts, **GBS HOLDING, LTD.** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Community Business (C-3) of 270.9 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) and Light Industrial (I-1) to Residential Townhouse (R-TH) of 1,124 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 1,394.9 acre tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use, office/residential mixed use and residential use of 2.0 units per acre or less. This request lies on 1,394.9 acres fronting the east and west lines of Old Hundred Road at the Norfolk Southern Railroad; the north line of Old Hundred Road east of Otterdale Road; and the east and west lines of Otterdale Road north of Old Hundred Road. Tax IDs 707-700-7988; 708-702-1722; 709-701-7328; 710-700-7596; 710-703-3345; 711-699-3470; 711-700-1144; 711-701-5180; 712-699-7663; 713-703-4194; 713-704-3412; 713-705-5709; 714-703-2188 & 7259; 714-704-1729; 714-705-5728; 716-701-4130; 718-697-4548 & 6844; 718-699-7719; 719-697-8012; 719-698-2822; 720-695-3288 & 9506; 720-698-0178; 720-700-0007; 721-695-9061; 722-697-0512; 722-700-4002.

Mr. Casey Sowers, the applicant's representative, requested deferral of Case 07SN0223 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0223 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0227: In Clover Hill Magisterial District, **BRUCE M. GALLAGHER AND RONDA B. GALLAGHER** requested deferral to June 19, 2007, for consideration of renewal of Conditional Use (Case 04SN0279) and amendment of zoning district map to permit a business (lawn care) incidental to a dwelling unit in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 2.3 acres and is known as 5710 Qualla Road. Tax ID 746-675-9350.

Ms. Ronda Gallagher, one of the applicants, requested deferral of Case 07SN0227 to the July 17, 2007, Planning Commission public hearing.

Mr. Gecker opened the discussion for public comment relative to the deferral.

Ms. Ann Cosby, an attorney representing an adjacent property owner, voiced opposition to, and asked the Commission to not grant, the deferral, noting the applicants had been in violation of their zoning for over a year; continued to operate the business with an expired permit; and referenced the applicant's comments at the Commission February 20, 2007, meeting, indicating an intent to withdraw the Conditional Use application prior to May 2007.

There being no one else to speak to the deferral, Mr. Gecker closed the public comment.

Mr. Gulley stated he had intended that the request be heard at this time; however, since the applicants had encountered delays from County departments in obtaining permits, he was inclined to grant the deferral.

In response to questions from the Commission, Ms. Gallagher addressed concerns/answered questions relative to the continued use of the existing site for the business operation; delayed construction of a new shop on property properly zoned for the use due to delays encountered with County permits; the intent to withdraw the application prior to the May 2007 Planning Commission meeting; and other concerns.

Mr. Gecker stated he was troubled by the impact this request represented for the neighbors; that the problems previously cited had not been resolved; and that the applicants had not withdrawn their application prior to this meeting as they had indicated they would.

Mr. Gulley stated, given the circumstances, he was inclined to defer the request to the June 19, 2007, Planning Commission public hearing.

Ms. Gallagher indicated the application had not been withdrawn because her attempts to communicate with the neighbors had not been successful; she did not know what the residents' concerns were; and that she did not agree with, but would accept, the deferral to the June meeting.

Ms. McGee indicated the deferral must be at the applicant's request.

Ms. Gallagher requested deferral of the request to the June 19, 2007, Planning Commission public hearing.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0227 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0241: In Dale Magisterial District, **ROWE ASSOCIATES LTD.** requested deferral to July 17, 2007, for consideration of amendment to Conditional Use Planned Development (Case 84S059) and amendment of zoning district map relative to buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies in a Residential (R-9) District on 1.0 acre fronting approximately 400 feet on the north line of Cogbill Road, also fronting approximately 150 feet on the west line of Ironstone Drive and located in the northwest quadrant of the intersection of these roads. Tax IDs 772-681-3493 and 4595; and 772-682-6002.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0241 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0241 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0242: In Dale Magisterial District, **ROWE ASSOCIATES, LTD.** requested deferral to September 18, 2007, for consideration of amendment of Conditional Use Planned Development (Case 84S059) and amendment of zoning district map relative to setback and buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies in a Residential (R-9) District on 7.0 acres fronting approximately 550 feet on the north line of Cogbill Road approximately 1,030 feet east of Ironstone Drive. Tax ID 774-682-1361.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0242 to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0242 to the September 18, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PD0248: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested deferral to August 21, 2007, for consideration of Substantial Accord Determination and amendment of zoning district map to permit an expansion of the proposed Providence Park site. This request lies in an Agricultural (A) District on 10.0 acres fronting approximately 1,560 feet on the south line of Powhite Parkway at the western termini of Academy Drive. Tax ID 743-693-5361.

Mr. Mike Golden, the applicant's representative, requested deferral of Case 07PD0248 to the August 21, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 07PD0248 to the August 21, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0251: (Amended) In Dale Magisterial District, **SALVATORE CANGIANO** requested deferral to July 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 9.3 acres fronting approximately 1,250 feet on the northwest line of Genito Road approximately 180 feet west of Price Club Boulevard. Tax ID 745-683-9215.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0251 to the July 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0251 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Mr. Turner recalled Case 07SN0299, Princeton Properties, Inc.

07SN0299: In Bermuda Magisterial District, **PRINCETON PROPERTIES, INC.** requested deferral to June 19, 2007, for consideration of amendment to Conditional Use Planned Development (Case 06SN0196) and amendment of zoning district map to permit multifamily residential uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies in a Residential Townhouse (R-TH)

District on 6.1 acres lying approximately 1,100 feet off the south line of Iron Bridge Road approximately 700 feet west of Branders Creek Drive. Tax ID 776-652-Part of 7257.

Mr. William Homiller, the applicant's representative, requested deferral of Case 07SN0299 to the June 19, 2007, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0299 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

07SN0141: In Bermuda Magisterial District, **ENON LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and residential use of 4.0 dwellings per acre or less. This request lies on 56.7 acres fronting approximately 330 feet on the east line of North Enon Church Road approximately 1,000 feet north of East Hundred Road, also fronting approximately 3,410 feet on the south line of the CSX Railroad. Tax IDs 824-648-6539 and 826-648-3681.

Ms. Kristen Keatley, the applicant's representative, accepted deferral of the request by Mr. Wilson to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 07SN0141 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0312: In Bermuda Magisterial District, **ENON LAND COMPANY II LLC** requested amendment to rezoning (Case 83S118) and amendment of zoning district map relative to buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use uses. This request lies in a General Business (C-5) District on 3.9 acres located in the southeast quadrant of the intersection of East Hundred and Inge Roads. Tax IDs 814-652-7447, 7815 and 8544.

Ms. Carrie Coyner, the applicant's representative, accepted deferral of the request by Mr. Wilson to the June 19, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 07SN0312 to the June 19, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0157: In Matoaca Magisterial District, **OTTERDALE VENTURE, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3) of 107 acres with Conditional Use to permit multifamily residential use and to Residential Townhouse (R-TH) of seventy-one (71) acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and residential use of 2.0 units per acre or less. This request lies on 178.0 acres fronting approximately 1,500 feet on the north line of Hull Street Road, also fronting in two (2) places for a total of approximately 3,500 feet on the west line of Otterdale Road and located in the northwest quadrant of the intersection of these roads. Tax ID 710-670-5596.

Mr. Jim Theobald, the applicant's representative, accepted deferral of the request by Mr. Bass to the July 17, 2007, Planning Commission public hearing

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 07SN0157 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

07SN0293: In Bermuda Magisterial District, **CARTER L. BURKEY AND BOLLING PARTIN** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use uses. This request lies on 5.1 acres fronting approximately 330 feet on the north line of East Hundred Road approximately 680 feet west of Kingston Avenue, also fronting approximately 250 feet on the south line of Bermuda Hundred Road approximately 600 feet west of Kingston Avenue. Tax IDs 818-652-3014, 4300 and 5837.

Mr. Carter Burkey, one of the applicants, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

In response to concerns expressed by Mr. Darryl Clay, an area resident, staff indicated the proffered conditions, outlined in the "Request Analysis," limited uses on the property fronting Bermuda Hundred Road (Tax ID 818-652-5837) to uses permitted by right or with restrictions in the Corporate Office (O-2) District.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0293 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
2. Storm Water Retention. The developer will retain the ten (10) year post development runoff on site and release at the two (2) year predevelopment rate. (EE)
3. Uses.
 - a. Uses on Tax IDs 818-652-3014 and 4300 shall be limited to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) District plus a hotel.
 - b. Uses on Tax ID 818-652-5837 shall be limited to those uses permitted by right or with restrictions in the Corporate Office (O-2) District. (P)
4. Buffers.
 - c. A seventy-five (75) foot buffer shall be provided along the northern and western Property boundaries adjacent to the Random Woods Subdivision. This buffer shall comply with the requirements of the Zoning Ordinance for seventy-five (75) foot buffers.
 - d. A fifty (50) foot buffer shall be provided along Bermuda Hundred Road. This buffer shall comply with the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - e. Provided however, these buffers may not be waived and /or modified through site plan review. (P)
5. Building Height. The height of any building(s) located on Tax ID 818-652-5837 shall not exceed two (2) stories or thirty (30) feet, whichever is less. (P)

6. Dedication. Prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, one-hundred (100) feet of right-of-way on the north side of East Hundred Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. Access Route 10. Direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit. This access shall align the existing crossover on Route 10, located along the property frontage. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of this access with the adjacent properties to the west. (T)
8. Access Restrictions. No direct vehicular access shall be provided from the property to Bermuda Hundred Road or to Random Road. (T)
9. Road Improvements. In conjunction with initial development of the property, the developer shall: 1) construct an additional lane of pavement along the westbound lanes of Route 10 for the entire property frontage; 2) construct additional pavement along the westbound lanes of Route 10 at the approved access to provide a separate right turn lane, if needed based on transportation department standards. 3) construct additional pavement along the eastbound lanes of Route 10 at the existing crossover that serves the property to provide an adequate left turn lane; 4) construct a sidewalk to VDOT standards along Route 10 for the entire property frontage; and 5) dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these improvements. The exact design and location of these improvements shall be approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0294: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY UTILITIES DEPARTMENT** requested Conditional Use and amendment of zoning district map to permit a wastewater pump station in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 units per acre. This request lies on 3.1 acres fronting approximately seventy (70) feet on the east line of Claypoint Road approximately 830 feet south of Misty Spring Drive. Tax IDs 742-675-Part of 9499 and 743-675-Part of 1820.

Mr. John Harmon, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Ms. Cornelia Goode, an adjacent property owner, requested clarification as to the location of, and any potential impact, the wastewater pump station would have on her property.

Mr. Gecker reordered Case 07SN0294 to the end of the Consent Agenda to allow Mr. Harmon an opportunity to meet with Ms. Goode to discuss her concerns.

07SN0295: In Clover Hill Magisterial District, **EDWIN L. THOMPSON** requested renewal of Conditional Use (Case 03AR0227) and amendment of zoning district map to permit a business (tree service) incidental to a dwelling unit in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51-4.0 units per acre. This request lies on 1.4 acres and is known as 2501 Courthouse Road. Tax ID 747-691-4208.

Mr. Edwin Thompson, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0295, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Edwin Thompson exclusively, and shall not be transferable or run with the land. (P)
2. In addition to the applicant, a maximum of four (4) employees shall be engaged in this operation. Equipment storage shall be limited to the parking of one (1) service truck, one (1) chipper truck, one (1) chipper, two (2) trailers, two (2) stump grinders, one (1) log splitter and one (1) small tractor on a trailer. All outside storage shall be located a minimum of ninety (90) feet from the ultimate right of way of Courthouse Road. There shall be no storage of wood debris or material on the property other than that located on the equipment. (P)
3. Other than parking of the equipment and a home business office, there shall be no other business activity conducted on the property, to include any log splitting. (P)
4. Other than normal maintenance, there shall be no additions or alterations to the existing structures to accommodate this use. There shall be no additional buildings constructed to accommodate this use. Further, the area used for the storage of equipment shall not be expanded. (See sketch attached to Request Analysis) (P)
5. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0296: In Midlothian Magisterial District, **RIO 17 MIDLOTHIAN LLC** requested Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Community Business (C-3) District on 1.2 acres fronting approximately 110 feet on the north line of Midlothian Turnpike approximately 170 feet west of North Providence Road. Tax ID 758-706-Part of 9917.

Ms. Kristen Keatley, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0296, subject to the following condition:

CONDITION

The Textual Statement dated April 12, 2007 shall be considered the Master Plan. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0301: In Bermuda Magisterial District, **CHESTERFIELD COUNTY FIRE AND EMS** requested Conditional Use and amendment of zoning district map to permit a fire station in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial mixed use uses. This request lies on 6 acres fronting approximately 590 feet on the northeast line of Harrowgate Road approximately 140 feet north of Lindberg Drive. Tax ID 798-631-Part of 6914.

Second Deputy Chief Frank Edwards, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0301, subject to the following conditions:

CONDITIONS

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, any fire/rescue station shall comply with Emerging Growth District standards of the Zoning Ordinance for the Corporate Office (O-2) District. (P)
2. The public wastewater system shall be used. (U)
3. Prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, sixty (60) feet of right-of-way along the east side of Harrowgate Road, measured from the centerline of Harrowgate Road immediately adjacent to the property, shall be recorded, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. Direct vehicular access from the property to Harrowgate Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
5. In conjunction with any development on the property, the ditch along the east side of Harrowgate Road shall be relocated to provide an adequate shoulder, as determined by the

Transportation Department, for the entire property frontage. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. (T)

6. The developer shall perform a drainage study on the property from the southern corner of the site through Harrowgate Road. A copy of such study shall be submitted to the Environmental Engineering Department in conjunction with site plan submittal. If the study determines that the culverts are inadequate, then the developer will retain water on site or upgrade the culverts or a combination thereof so that the pipes under Lindberg Drive and Harrowgate Road meet current VDOT criteria. (EE)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0302: In Matoaca Magisterial District, **ASHBROOKE INVESTMENTS, LLC** requested rezoning and amendment of zoning district map from Light Industrial (I-1) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for conservation: passive recreation and community mixed use uses. This request lies on 10.3 acres located in the southwest quadrant of the intersection of Ashlake Parkway and Hull Street Road. Tax ID 720-671-8206.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0302 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owners/applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners/applicant. In the event this request is denied or approved with conditions not agreed to by the owners/applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Transportation.

- a. Prior to any site plan approval or within ninety (90) days of a request by the Transportation Department, whichever occurs first, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
 - i) one-hundred (100) feet measured from the centerline of Hull Street Road (Route 360) immediately adjacent to the property;
 - ii) forty-five (45) feet measured from the centerline of Ashlake Parkway immediately adjacent to the property; and

- iii) an amount, determined by the Transportation Department, in the northwest corner of the property to accommodate future widening of Route 360.
 - b. There shall be no direct vehicular access from the property to Route 360. Direct vehicular access from the property to Ashlake Parkway shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department.
 - c. Prior to the issuance of a certificate of occupancy, the developer shall:
 - i) construct an additional lane of pavement along Route 360 for the entire property frontage, exclusive of any widening across the box culvert located at the western property line;
 - ii) construct additional pavement to provide right and left turn lanes at the approved access on Ashlake Parkway, based on Transportation Department standards; and
 - iii) prior to any site plan approval, the developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements.
 - d. The maximum density on the Property shall be a 150 room hotel or equivalent traffic generation, as determined by the Transportation Department. (T)
2. Water Quality. The runoff from the on-site impervious area shall drain through the wetlands along Route 360 prior to entering Swift Creek Reservoir. (EE)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0304: In Matoaca Magisterial District, **ANDY B. AND MARGARET T. SELF** requested rezoning and amendment of zoning district map from Community Business (C-3) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.2 units per acre or less. This request lies on 1.3 acres located in the southwest quadrant of the intersection of Spring Run and Hensley Roads. Tax ID 734-663-2802.

Mr. Greg Holt, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0304 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

- 1. A fifty (50) foot buffer shall be provided along Spring Run Road. Such buffer shall comply with the requirements of the Subdivision Ordinance for fifty (50) foot buffers. (P)

2. Within ninety (90) days of a written request by the Transportation Department, forty-five (45) feet of right-of-way, measured from the centerline of Spring Run Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. There shall be no direct vehicular access from the property to Spring Run Road. (T)
4. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2007; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
5. The maximum density of this development shall not exceed 2.2 dwelling units per acre. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PD0306: In Clover Hill Magisterial District, **COUNTY OF CHESTERFIELD PUBLIC LIBRARIES** requested Substantial Accord Determination and amendment of zoning district map to permit a public library in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. This request lies on 11.6 acres fronting approximately 640 feet on the east line of Courthouse Road across from Smoketree Drive. Tax IDs 745-701-1020, 1029 and 2153.

Mr. Michael Mabe, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission found the substantial accord review for a proposed public facility (public library) to be in compliance with the *Public Facilities Plan* and resolved to recommend approval of Case 07PD0306, subject to the following conditions:

CONDITIONS

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

2. A fifty (50) foot buffer shall be provided along the southern property line. This buffer shall conform to the Zoning Ordinance requirements for fifty (50) foot buffers in Corporate Office (O-2) Districts. (P)
3. The public wastewater system shall be used. (U)
4. Direct vehicular access from the property to Courthouse Road shall be limited to one (1) entrance/exit, and shall align the existing crossover. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of this access with the adjacent properties to the south. (T)
5. Prior to the issuance of an occupancy permit: 1) additional pavement shall be constructed along the northbound lanes of Courthouse Road at the approved access to provide a right turn lane; 2) additional pavement shall be constructed along the southbound lanes of Courthouse Road at the existing crossover that serves the property to provide an adequate left turn lane; 3) the site access at its intersection with Courthouse Road shall be constructed as a four-lane typical section (i.e., one (1) eastbound lane and three (3) westbound lanes); and 4) the existing traffic signal on Courthouse Road shall be modified. The exact design and length of these improvements shall be approved by the Transportation Department. The developer shall dedicate free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) necessary for these improvements. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0314: In Matoaca Magisterial District, **CARRIE E. COYNER, TRUSTEE** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for conservation: passive recreation and residential use of 2.0 units per acre or less. This request lies on 27.6 acres fronting approximately 200 feet on the west line of Winterpock Road approximately 300 feet south of Bethia Road. Tax ID 721-662-1358.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. Lee Hopper, a resident of Winterpock Road, requested the Commission recommend denial of the rezoning, citing concerns relative to water quality, drainage from the property into Swift Creek Reservoir, traffic congestion and limited access to the site for emergency vehicles in the event of an emergency.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gecker indicated that since there was opposition present, Case 07SN0314 would be placed on the Contested Agenda with those cases requiring discussion.

07SN0219: (Amended) In Matoaca Magisterial District, **MALBONE ASSOCIATES** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 5.4 acres fronting approximately 690 feet on the south line of Hull Street Road approximately 300 feet east of Otterdale Road. Tax IDs 713-669-3466 and 6673.

Mr. John V. Cogbill, III, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0219 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Numbers 713-669-3466 and 713-669-6673 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-3 is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Utilities.
 - A. Public water and wastewater systems shall be used.
 - B. The developer shall extend the twenty-four (24) inch water line along Route 360 from Fox Club Parkway/Hampton Park Drive to a point opposite the westernmost boundary of the request Property.
 - C. Prior to the issuance of a building permit for each site plan approved for the property, the developer shall make payment to Chesterfield County in the amount of \$200.00 per acre (not to exceed an aggregate payment of \$1,080.00 based upon a total of 5.4 acres) as a contribution toward the expansion of the Dry Creek Wastewater Pump Station. (U)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Access. Direct vehicular access from the property to Route 360 shall be limited to one (1) entrance/exit. This entrance/exit shall be limited to right turns in and out only. The

location of this entrance/exit shall be approximately seven hundred (700) feet from the intersection of Otterdale Road and Route 360. (T)

4. Dedication. Prior to any site plan approval or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right-of-way on the south side of Route 360 measured from the centerline of that part of Route 360 immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Transportation Improvements.
 - A. In conjunction with initial development on the property, an additional lane of pavement shall be constructed along the eastbound lanes of Route 360 for the entire property frontage.
 - B. Prior to the issuance of a certificate of occupancy for any development anticipated to generate more than 3,000 vehicles per day at the approved entrance/exit on Route 360, as determined by the Transportation Department, a separate right turn lane shall be constructed along the eastbound lanes of Route 360 at the approved access. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0309: In Matoaca Magisterial District, **ROPER BROS. LUMBER CO. INC. AND NASH ROAD/WOODPECKER ROAD LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use Planned Development to permit recreational use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 209.2 acres located in the southwest quadrant of the intersection of Woodpecker and Cattail Roads. Tax IDs 766-639-8114 and 767-640-1470.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0309 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Applicants (the "Applicants") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 766-639-8114-00000 and 767-640-1470-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-88 with Conditional Use is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is

granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Transportation.

A. Dedications. In conjunction with recordation of the initial subdivision plat, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:

- (a) Forty-five (45) feet of right of way, on the south side of Woodpecker Road, measured from a revised centerline of Woodpecker Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property.
- (b) Forty-five (45) feet of right of way, on the west side of Cattail Road, measured from a revised centerline of Cattail Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property.

B. Access. Direct vehicular access from the Property to Woodpecker Road shall be limited to one (1) public road. Direct vehicular access from the Property to Cattail Road shall be limited to one (1) public road. The exact location of these accesses shall be approved by the Transportation Department.

C. Road Improvements. The Applicant shall be responsible for the following:

- a. Widening/improving the south side of Woodpecker Road to an eleven (11) foot wide travel lane, measured from the centerline of Woodpecker Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- b. Widening/improving the west side of Cattail Road to an eleven (11) foot wide travel lane, measured from the centerline of Cattail Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- c. Construction of additional pavement along Woodpecker Road and along Cattail Road at each approved access to provide left and right turn lanes.
- d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements described above.

- D. Transportation Phasing Plan. Prior to any construction plan or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 1.c., shall be submitted to and approved by the Transportation Department. (T)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Recreational Facilities. Any recreational facilities shall be subject to the following restrictions:
- a. There shall be no outside public address systems or speakers with the exception for pool usage.
 - b. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
 - c. Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - d. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - e. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.
 - f. In conjunction with the recordation of any lot adjacent to active recreational area(s), such area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions. (P)
4. Cash Proffer.

The applicant, subdivider, or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:

- a. \$15,600 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
 - c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 1.c., then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.
 - d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M, T)
5. The existing dam which forms Lake Margaret shall be given a complete geotechnical and hydraulic clean bill of health by qualified professional engineers. All deficiencies noted must be corrected. The Environmental Engineering Department must receive documentation issued by the Virginia Department of Dam Safety that Lake Margaret is in full compliance with the Virginia Dam Safety Act. The achievement of the above shall occur prior to the recordation of any lot that is contiguous with Lake Margaret. (EE)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Mr. Turner recalled Case 07SN0294, Chesterfield County Utilities Department.

07SN0294: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY UTILITIES DEPARTMENT** requested Conditional Use and amendment of zoning district map to permit a wastewater pump station in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 units per acre. This request lies on 3.1 acres fronting approximately seventy (70) feet on the east line of Claypoint Road approximately 830 feet south of Misty Spring Drive. Tax IDs 742-675-Part of 9499 and 743-675-Part of 1820.

Mr. John Harmon, the applicant's representative, accepted staff's recommendation, noting he had met with Ms. Goode and resolved her concerns.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0294, subject to the following condition:

CONDITION

Any building or mechanical equipment shall comply with Sections 19-570 (b) and (c) and 19-595 of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

BEGINNING AT 7:00 P. M.

The Commission recessed at 7:06 p. m. and reconvened at 7:12 p. m.

- ◆ **COMPREHENSIVE PLAN AMENDMENTS.**
(PUBLIC HEARINGS ON THESE PROPOSED AMENDMENTS WERE HELD AND CLOSED AT A PREVIOUS SESSION AND DEFERRED TO THIS DATE FOR ACTION.)

- ◆ **NORTHERN COURTHOUSE ROAD COMMUNITY PLAN.**

Mr. Turner noted a public hearing was conducted on the *Northern Courthouse Road Community Plan* Amendment at the Commission's March 20, 2007, meeting, at which time the public hearing was closed and the matter deferred to this date for action.

In response to questions from Mr. Gulley, Mr. McCracken indicated there was no additional information and/or comments from the Virginia Department of Transportation (VDOT) relative to the *Plan* before the Commission and he did not expect to receive the information any time soon.

Mr. Gulley recommended approval of the proposed *Northern Courthouse Road Community Plan*, dated January 10, 2007, with suggested revisions to: (1) change the land use designation for Mansfield Lake, as shown on the draft *Plan* dated January 10, 2007, from conservation/recreation to privately-held open space; and (2) replace the language of the General Note under the Office/Residential Mixed Use section of the Land Use Categories to "Additional multifamily development should be discouraged in this plan geography. Residential-townhouse uses may be more appropriate."

Mr. Bass seconded the motion.

Mr. Litton requested that the seventy (70) foot collector road from Grove Road through the Moody Property be included in the motion.

In response to Mr. Litton's request, Mr. Gecker stated there was a motion, with a second, before the Commission and inquired if Mr. Gulley wished to accept the additional revision or withdraw his motion.

Mr. Gulley stated Mr. Litton's suggested revision was not one he intended to support; however, if the Commission wanted to handle it as a separate addition, he had no objection to withdrawing his motion and handling the matter in that manner.

Mr. Gecker stated, for procedural purposes, he would ask that Mr. Gulley amend his motion to include only the two (2) revisions, without a recommendation for approval of the proposed *Plan*; that Mr. Litton make a separate motion relative to the Moody Tract; and then a motion for approval of the *Plan* be considered.

Mr. Gulley accepted Mr. Gecker's suggestion and withdrew his previous motion.

Mr. Gulley made a motion to recommend approval of the suggested revisions to: (1) change the land use designation for Mansfield Lake, as shown on the draft *Plan* dated January 10, 2007, from conservation/recreation to privately-held open space; and (2) replace the language of the General Note under the Office/Residential Mixed Use section of the Land Use Categories to "Additional multifamily development should be discouraged in this plan geography. Residential-townhouse uses may be more appropriate."

Mr. Bass seconded Mr. Gulley's motion.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Mr. Litton made a motion to recommend approval of a the *Northern Courthouse Road Community Plan*, dated January 10, 2007, with a revision to change recommended land use designation for the Moody Tract to conservation/recreation with a note on the land use plan denoting that if the open space easement were removed, the recommended land uses would be community/mixed use north of the proposed extension of Grove Road and office/residential use south of the proposed extension; and that both the land use plan and the *Thoroughfare Plan* continue to show the proposed extension of the seventy (70) foot collector road from Grove Road through the Moody Tract to Courthouse Road, to complete the loop road around the intersection at Midlothian Turnpike; and revise any language or maps in the *Plan* that would reflect said changes.

Mr. Wilson seconded the motion for the purpose of discussion.

Mr. Gulley stated he did not intend to support the changes, as proposed by Mr. Litton.

Mr. Gecker stated he also did not intend to support the suggested revisions, as proposed by Mr. Litton.

AYES: Messrs. Litton.
NAYS: Messrs. Gecker, Gulley and Bass.
ABSTENTION: Mr. Wilson.

Mr. Gulley made a motion to recommend approval of the proposed *Northern Courthouse Road Community Plan*, dated January 10, 2007, with the suggested revisions to: (1) change the land use designation for Mansfield Lake, as shown on the draft *Plan* dated January 10, 2007, from conservation/recreation to

privately-held open space; and (2) replace the language of the General Note under the Office/Residential Mixed Use section of the Land Use Categories to "Additional multifamily development should be discouraged in this plan geography. Residential-townhouse uses may be more appropriate."

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

NAYS: Mr. Litton.

Mr. Gecker stated he was satisfied that, given the community input received, a fairly good balance had been reached for the future of Courthouse Road and he was pleased to support the recommendation being forwarded to the Board of Supervisors.

Mr. Gulley stated the citizen meetings on the proposed *Plan* were very well attended, fruitful and beneficial and that the process had not only provided an opportunity for a cross-section of diverse views to be expressed but also allowed revisions to the proposed *Plan*.

Mr. Wilson stated he intended to support the motion; however, he had thought there would have been a greater opportunity for recommendations of additional commercial development in the Corridor, given the major thoroughfare road in the area.

Mr. Litton stated he did not intend to support the motion but concurred with Mr. Wilson with respect to the opportunity for recommendations of additional commercial development in the Corridor.

♦ **UPPER SWIFT CREEK PLAN.**

Mr. Turner noted a public hearing was conducted on the *Upper Swift Creek Plan* Amendment at the Commission's May 3, 2007, meeting, at which time the public hearing was closed and the matter deferred to this date for action.

Mr. Gecker stated the Board had, by resolution, asked the Commission to conduct a public hearing/forward a recommendation to them within this month; that under State law, the Commission did not have an option to defer the proposed Amendment any further; and that a recommendation would be forwarded at this time.

Mr. Bass made a motion to recommend denial of the proposed *Upper Swift Creek Plan* Amendment, as submitted.

Mr. Gulley seconded the motion.

Mr. Gulley referenced, and publicly acknowledged staff's efforts in providing, the information regarding the chronological record of the County's interaction with State and Federal agencies regarding efforts to address water quality issues within the Upper Swift Creek watershed. He addressed concerns relative to the timeline of the chronology, noting he wished the record to reflect that the delay in bringing the proposed *Plan* Amendment to fruition was due to a concept change by the Corps of Engineers in 2001. He noted it was further delayed due to a lack of effective communication to the appropriate individuals that the Corps was not going to accept the County's *Regional BMP Plan* and that development of a different strategy was necessary relative to the *Watershed Master Plan* and the *BMP Maintenance Plan*. He stated he felt the *Plan* Amendment was being rushed, that the Commission needed an additional sixty (60) days to thoroughly review all elements of the *Plan* and he supported the recommendation for denial at this time.

Mr. McElfish addressed concerns/answered questions relative to the chronological record of the County's interaction with State and Federal agencies regarding water quality issues within the Upper Swift Creek watershed; the reason the Corps denied the County's Regional BMP proposal; and other issues of concern.

Mr. Gulley noted that the land use plan was meaningless without the inclusion of the water quality requirements/standards.

Mr. Gecker concurred.

Mr. Bass stated, given the time constraints set by the Board of Supervisors, the public had not been given ample opportunity to review the proposed *Plan* or offer their comments, as had been done with other plan amendments, and, for this reason, he had made a motion to recommend denial of the proposal, as submitted. He stated, in his opinion, without the transportation and environmental elements being integrated into the proposed Amendment, the *Plan* was incomplete.

Mr. Wilson referenced his comments at the May 3, 2007, public hearing, noting that without having the water quality element incorporated moving the proposed *Plan* forward was difficult and he also would like to have had the opportunity for community meetings where the *Plan* could be discussed, consensus developed, issues raised and resolved. He stated that citizen involvement was a vital and significant part of the process.

Mr. Gecker stated he did not feel the proposed *Plan* was in the appropriate posture to be approved at this time; that it was apparent there had not been sufficient time for the environmental element to be integrated into the land use plan; there were other significant issues, with respect to transportation, that needed to be addressed; that in fairness to the Board, the Commission had received a letter from the Chairman of the Board of Supervisors that an item had been placed on their May 23, 2007, meeting agenda to consider giving the Commission an additional thirty (30) days to finalize their recommendation; that given the timeframe set forth by the Board, he felt completion of the task within thirty (30) days would be insurmountable and he did not believe a special meeting would accomplish the goal; and that he intended to support the recommendation for denial.

The vote on Mr. Bass' motion was as follows:

AYES: Messrs. Gecker, Gulley, Wilson and Bass.
NAY: Mr. Litton.

- ◆ **CODE AMENDMENT RELATING TO:**
 - ◆ **SALE OF ALCOHOLIC BEVERAGES NEAR SCHOOLS, RESIDENTIALLY-ZONED PROPERTY, DAY CARE CENTERS, CHURCHES AND OTHER PLACES OF WORSHIP.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-227 of the Zoning Ordinance related to the sale of alcoholic beverages near schools, residentially zoned property, day care centers, churches and other places of worship.

The proposed amendment would require conditional use permit approval for commercial establishments seeking to sell alcoholic beverages, as defined in the Code of Virginia, § 4.1-100, for on-premises consumption, within 500 linear feet of a school, residentially zoned property, day care center, church or other place of worship. The proposed amendment would not require a conditional use for establishments that already possess a valid alcohol beverage license from the Virginia Department of Alcoholic Beverage Control so long as such license remains in force, is reissued as provided by law or, if such establishment is sold to a new owner, a valid license is issued to the new owner and such license remains in force or is reissued as provided by law. After a public hearing, the Commission may recommend changes to the proposed amendment.



Mr. Schlaudt presented an overview of the proposed Code Amendment relative to the sale of alcoholic beverages near schools, residentially-zoned property, day care centers, churches and other places of worship and staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. George Emerson, a County resident and businessman; Mr. Tyler Craddock, representing the Homebuilders Association of Richmond; and Ms. Carrie Coyner, representing several landowners and developers, voiced opposition to the proposal, noting the amendment would have a detrimental impact on various food establishments and/or restaurants and shopping centers; that approval would have a detrimental impact not only on urban development but would also place additional financial burdens on developers; and that approval would directly impact landowners' abilities to use their land as they see fit.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend denial of the proposed Code Amendment relative to the sale of alcoholic beverages near schools, residentially-zoned property, day care centers, churches and other places of worship and staff's recommendation.

Mr. Wilson stated he concurred with the speakers, noting he felt the proposal was too broad and he was uncomfortable with a recommendation for approval, as presented.

Mr. Litton stated he felt cocktail lounges were Mr. Miller's primary concern in the scope of the proposed Code Amendment.

Mr. Bass stated the various types of establishments affected by the proposal were ordinarily regulated by the Alcoholic Beverage Control (ABC) Board and he felt the proposed amendment was redundant.

Mr. Gulley stated the purpose of the ordinance, as originally crafted, was not to preclude high school, or any other, students from purchasing alcohol but to protect the safety of students attending school events from individuals who were driving under the influence of alcohol.

In response to questions from the Commission, Mr. John McLenagan, Manager of Planning and Information Services for the Police Department, stated there was no correlation between the statistics or

data gathered relative to the location from which alcohol may have been sold and the location of where an incident/accident may occur.

Mr. Gulley stated he did not foresee that the proposed ordinance amendment would be any more effective than the current Ordinance standards.

Mr. Gecker stated he also agreed with the speakers that the proposal would be too burdensome to business enterprises in the County; that it would have a detrimental impact on neo-traditional zoning types of development as well as sale tax revenues; and to place this type of restriction on the development of restaurants in the County would be a tremendous mistake.

The vote on Mr. Gulley's motion was as follows:

AYES: Messrs. Gecker, Gulley, Wilson and Bass.

NAY: Mr. Litton.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT (continued).**

Mr. Turner recalled Case 07SN0314, Carrie E. Coyner, Trustee.

07SN0314: In Matoaca Magisterial District, **CARRIE E. COYNER, TRUSTEE** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for conservation: passive recreation and residential use of 2.0 units per acre or less. This request lies on 27.6 acres fronting approximately 200 feet on the west line of Winterpock Road approximately 300 feet south of Bethia Road. Tax ID 721-662-1358.

Ms. Peterson presented an overview of the request and staff's recommendation for approval and acceptance of the proffered conditions, as outlined in the Addendum and applicant's handout.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation and proffered conditions outlined in the Addendum and handout.

Mr. Gecker opened the discussion for public comment.

Mr. Lee Hopper, a resident of Winterpock Road, requested the Commission recommend denial of the rezoning, citing concerns relative to water quality, drainage from the property into Swift Creek Reservoir, traffic congestion and limited access to the site for emergency vehicles in the event of an emergency.

Mr. C. L. Morrisette, a County resident, expressed concerns relative to the impact drainage from the property would have on the Swift Creek Reservoir and/or Winterpock Creek.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Ms. Coyner addressed the previously expressed concerns, noting the proposed zoning and land uses complied with the *Upper Swift Creek Plan* and that the proffered conditions adequately addressed concerns relative to transportation, environmental and connectivity issues.

In response to questions from Mr. Wilson, Ms. Coyner indicated she was willing to address with her client the proffering of a condition, prior to the request being considered by the Board of Supervisors, to preclude connectivity to the property to the rear.

In response to questions from Mr. Bass, Mr. McCracken addressed transportation concerns relative to Winterpock Road.

Mr. Bass stated he felt deferral of the request, on his motion, would be appropriate to allow a review of the proffered conditions as well as transportation and budget issues.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0314 to the July 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **COMPREHENSIVE PLAN AMENDMENT-PUBLIC HEARING.**

◆ **AMENDMENT TO THE THOROUGHFARE PLAN REGARDING AN EAST/WEST COLLECTOR BETWEEN BRANDY OAKS BOULEVARD AND BEACH ROAD AND A MAJOR ARTERIAL BETWEEN QUALLA AND BEACH ROADS.**

◆ ◆ ◆

An Amendment of the Chesterfield County Thoroughfare Plan, part of the Plan for Chesterfield, to: (i) modify the current recommended alignment of the east/west collector road between Brandy Oaks Boulevard and Beach Road and (ii) delete the recommended major arterial road between Qualla Road and Beach Road. Specifically, the current alignment of the recommended east/west collector road extends from the eastern terminus of Brandy Oaks Road in an easterly direction and intersects Qualla Road at a point approximately 2,600 feet north of the intersection of Qualla Road and Beach Road. The current alignment of the recommended east/west major arterial road extends from a point on Qualla Road approximately 2,600 feet north of the intersection of Qualla Road and Beach Road to a point approximately 1,500 feet east of this intersection. The proposed amendments would: (i) shift the western terminus of the recommended east/west collector road approximately 2,300 feet to the north so that it aligns with Brandy Oaks Boulevard, (ii) shift the eastern terminus of the recommended east/west collector road approximately 3,300 feet to the southwest so that it aligns with Second Branch Road at Beach Road, and (iii) delete the recommended east/west major arterial road from Qualla Road to Beach Road.

◆ ◆ ◆

Mr. McCracken presented an overview of the proposed *Plan* Amendment and staff's recommendation for approval.

Mr. Gecker opened the discussion for public comment.

Mr. C. L. Morrisette, a County resident; Mr. Bill Johns, a resident of Qualla Road; Ms. Carrie Coyner, representing the Greenacres Development; and Mr. Norman Christianson, a Qualla Road resident; voiced support for the proposed amendment.

Ms. Sue Snow; Mr. Earl Ladlee; and Mr. Rick Brindle, residents of Brandy Oaks Subdivision, expressed appreciation for the proposed amendment but noted the community would still be significantly impacted by the change and asked that the connection of the existing Brandy Oaks Boulevard to the new Brandy Oaks Boulevard be reconsidered.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from the Commission, Mr. McCracken answered questions/addressed concerns relative to the realignment of Brandy Oaks Boulevard; the proposal's impact on area wetlands; the economic feasibility of the proposed road improvements; notification of area landowners regarding the proposed amendment; and other concerns.

Mr. Gecker stated he supported the new alignment but was troubled by the lack of notification to adjacent property and/or area landowners and, given the insufficient notice to them, did not intend to support a motion to recommend approval.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of amendment to the *Chesterfield County Thoroughfare Plan*, part of the *Plan for Chesterfield*, to: (i) shift the western terminus of the recommended east/west collector road approximately 2,300 feet to the north to align with Brandy Oaks Boulevard, (ii) shift the eastern terminus of the recommended east/west collector road approximately 3,300 feet to the southwest to aligns with Second Branch Road at Beach Road, and (iii) delete the recommended east/west major arterial road from Qualla Road to Beach Road.

AYES: Messrs. Gulley, Wilson, Litton and Bass.

NAY: Mr. Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

06SN0335: (Amended) In Matoaca Magisterial District, **GREENACRES LIMITED PARTNERSHIP** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25) of 53.7 acres plus an amendment to zoning (Case 89SN0357) on an adjacent 251 acre parcel zoned Residential (R-25) relative to access and transportation improvements. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies at the southeastern terminus of Buncrana Lane approximately 230 feet southeast of Derryveach Drive, also fronting approximately 200 feet on the south line of Donegal Drive approximately fifty (50) feet west of Donegal Terrace and fronting approximately 1,400 feet on the north line of Beach Road at Second Branch Road. Tax IDs 734-658-8633; 736-655-5340; and 737-652-3153 and 4169.

Ms. Peterson presented an overview of the request and staff's recommendation for approval of the rezoning to R-25; approval of the amendment to Case 89SN0357, subject to addressing the impact on

capital facilities; and denial of the waiver to street connectivity requirements and that Proffered Condition 6 not be accepted.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation for approval of the rezoning and amendments to Case 89SN0357 but did not accept staff's recommendation for denial of the waiver to street connectivity requirements. She stated the applicant had worked diligent to improve the request from the originally submitted application and to obtain area residents support; that the east/west collector road realignment would be beneficial to the community; and that, in order to address area residents' concerns, the applicant had proffered, and area residents supported, no direct access from the property to any stub roads, except for Long Branch Drive.

Mr. Gecker opened the discussion for public comment.

Mr. Rick Brindle, a resident of Donegal Drive; Mr. Harry Hanger, Jr., Ms. Mary Ware; Ms. Kimberly Phelps; Ms. Christine St. Augustine; Ms. Dee Brindle; Mr. Wade Waller; Mr. Paul Halder; Ms. Patricia Ladlee; Ms. Beth Duffy; Mr. Kevin Salmi; Mr. Curtis Grant; Ms. Andrea Epps; Mr. Earl Ladlee; Ms. Marleen Durfee; and Ms. Kimberly Hastings-Beuche, adjacent property owners and/or County residents, voiced opposition to the request, citing concerns relative to road connections; the non compliance of the proposal with the *Southern and Western Area Plan* which suggested R-88 zoning; lack of infrastructure to support area growth; area road conditions; emergency medical services response time; sprawl development; lack of open space buffers and smart growth design principals; and the revised alignment of the east/west thoroughfare road as it impacts Brandy Oaks Subdivision and the lack of notice to the Brandy Oaks Subdivision

Mr. C. L. Morrisette, a County resident, supported the request, noting the proposed Residential (R-25) development was consistent with existing area zoning.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Ms. Coyner indicated the request, as submitted, was a much better plan than what currently existed and could occur under the current zoning.

Mr. Bass indicated the proposed zoning amendment failed to address the impact on capital facilities; that the proposed R-25 zoning was inconsistent with the *Plan*; and that area roads were inadequate to handle additional traffic.

Mr. Wilson stated the proposed R-25 zoning was consistent with existing area zoning and indicated that the Commission should appreciate the benefits of the case as it would enhance the area road network and severe road connections, which could occur under the current zoning.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of the rezoning and amendment to Case 89SN0357 for Case 06SN0335.

AYES: Messrs. Gecker, Gulley and Bass.

NAYS: Messrs. Wilson and Litton.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of the waiver to the "Residential Subdivision Connectivity Policy requirements to Buncrana Lane, Donegal Drive and Thoreau Drive.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

The Commission recessed at 9:31 p. m. and reconvened at 9:36 p. m.

07SN0311: In Bermuda Magisterial District, **EMERSON COMPANIES LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use uses. This request lies on 2.5 acres located in the northwest quadrant of the intersection of Meadowville Road and Rivers Bend Boulevard. Tax ID 815-653-0571.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the *Consolidated Eastern Area Plan* as it related to proper land use transitions between the Route 10 commercial corridor and the residential development in Rivers Bend and that approval of the request could set a precedent for further commercial zoning and land use on the north line of Meadowville Road between Route 10 and Rivers Bend Boulevard infringing upon the adjacent residential development.

Ms. Carrie Coyner, the applicant's representative, did not accept staff's recommendation; addressed concerns relative to uses, hours of operation and road improvements; noted the proposed use was the best use of the property; and stated that adjacent landowners supported the request.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson indicated he felt the proposal was appropriate, given the anticipated development along Meadowville Road between the subject property and Route 10. He suggested it may be appropriate to revisit the *Plan* for the area.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0311 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Contract Purchaser-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the properties known as Chesterfield County Tax ID 815-653-0571 from A to C-2 will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the

Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. Transportation.

Dedications/Recordation.

Prior to any site plan approval or within ninety (90) days of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right of way adjacent to the property, measured from a revised centerline for Meadowville Road based on VDOT Urban Minor Arterial (50 mph) standards, with any modifications approved by the Transportation Department, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County.

Access.

Direct vehicular access from the property to Meadowville Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)

Road Improvements.

Prior to the issuance of any certificates of occupancy, the developer shall construct additional pavement along Meadowville Road at the approved access to provide right and left turn lanes, based on Transportation Department standards, if the developer and the Transportation Department mutually agree that the improvements can be used as part of a future realignment of Meadowville Road. (T)

3. The following uses shall not be permitted:

- (a) Coin-operated dry cleaning; pressing; laundry and laundromat;
- (b) gasoline sales;
- (c) cash checking services;
- (d) automotive self service stations;
- (e) communication towers;
- (f) hospitals;
- (g) funeral homes or mortuaries. (P)

4. No use shall be open to the public between 11:00 p.m. to 6:00 a.m. (P)

5. All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory automobile parking, loading or unloading facilities and permitted outside display of merchandise for sale per Section 19-156(b) of the Zoning Ordinance. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

05SN0235: In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting that while the proposed zoning and land uses conformed to the *Upper Swift Creek Plan*, the proposal failed to comply with the proposed amendment to the *Plan*, as recommended by the Planning Department, which suggested that development in this area should be deferred.

Mr. Jim Theobald, the applicant's representative, did not accept staff's recommendation, indicating the request was consistent with the current *Upper Swift Creek Plan*; cited full cash proffers and significant road improvements, etc.; and asked the Commission to forward a recommendation for approval to the Board of Supervisors.

Mr. Gecker opened the discussion for public comment.

Mr. Steven Conte, a resident of County Line Road; Mr. Ted Lushch, a resident of Lacy Farms Subdivision; Ms. Kitty Snow, a resident of Moseley; Mr. Peter Martin, a resident of Mt. Hermon Road; and Ms. Marleen Durfee, a County resident, voiced opposition to the request, citing concerns relative to conformity with the *Plan*, water quality, inadequate infrastructure, emergency response times, the lack of an adequate transportation network and leap frog development.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Theobald stated the applicant had complied with the requirements of the area *Plan*, as reflected in the "Request Analysis," and asked the Commission consider a favorable recommendation.

In response to a question from Mr. Gecker, Mr. Phelps stated public water infrastructure would be built in conjunction with this and other future development in the area.

Mr. Gecker noted, since there were no plans to make public utilities available to the site in the foreseeable future, rezoning at this time would be premature.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend denial of Case 05SN0235.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.
NAY: Mr. Litton.

06SN0234: In Matoaca Magisterial District, **ROBERT SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the

north and south lines of Quailwood Road approximately 1,500 feet west of Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Ms. Peterson presented an overview of the request and staff's recommendation for approval of the rezoning, noting the request complied with the *Upper Swift Creek Plan* and the proffered conditions adequately addressed the development's impact on capital facilities. She stated, however, staff recommended denial of the request for a waiver to street connectivity requirements to Quailwood Road.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation for approval of the rezoning but did not accept the recommendation for denial of the request for a waiver to street connectivity requirements to Quailwood Road. He stated the applicant had proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of the development and that Proffered Condition 11, which requires the applicant to pay the amount of \$8,915 for road improvements prior to issuance of each building permit, will allow the developer to receive reimbursements from these payments or credit against future cash proffer payment for construction, including the cost of any necessary right of way acquisition for the Collector Road north of the resource protection area (RPA) on the property, across Swift Creek to Brad McNeer Parkway. He added that stub road connections to the adjacent property was not needed and asked the Commission to recommend approval of the waiver for connectivity to Quailwood Road.

Mr. Gecker opened the discussion for public comment.

Ms. Montene Woodfin, a resident of Quailwood Road, opposed the rezoning, citing concerns relative to the impact on roads, schools and the public utilities system; however, she supported waiving the requirement for street connections to Quailwood Road.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Bass stated he felt a recommendation for approval of the request, as currently proposed, was appropriate and would be beneficial to the community.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 06SN0234 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated March 19, 2007 shall be the Master Plan. (P)

2. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Utilities. The public water and wastewater systems shall be utilized. (U)
4. Cash Proffer. In addition to the Transportation Contribution described in Proffered Condition 11, the applicant, builder, subdivider, developer or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:
 - a. If payment is made prior to July 1, 2007, \$6,685.00 per dwelling unit. At time of payment, the \$6,685.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$5,331.00 for schools, and \$404.00 for fire stations; or
 - b. If payment is made after June 30, 2007 the amount approved by the Board of Supervisors not to exceed \$6,685.00 per dwelling unit pro-rated as set forth in Proffered Condition 4.a. above adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made.
 - c. Provided, however, that if any building permits issued on the property are for senior housing, as defined in the proffer on age-restriction, the Applicant shall pay, in addition to the Transportation Contribution described in Proffered Condition 11, \$1,354.00 per dwelling unit if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, not to exceed \$1,354.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$1,354.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, and \$404 for fire stations. Payments in excess of \$1,354.00 shall be prorated as set forth above.
 - d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by Chesterfield County. (B&M)

5. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. Any lots for age-restricted dwelling units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential units. At the time of recordation of a subdivision plat or the approval of any site

plan, the lots shall be noted as age-restricted. Any site plan for age-restricted dwelling units shall also note the restriction. (B&M)

6. Density. The total number of residential dwelling units on the Property shall not exceed 2.2 residential units per acre. (P)
7. Elevations Incident to Dam Inundation Area. The lowest ground elevation at the foundation of homes shall be at or above the dam failure limits. (EE)
8. No Sole Access. At the time of complete development, no lots shall have sole vehicular access through Spring Trace or Cameron Bay Subdivisions. (P)
9. Right of Way Dedication. In conjunction with recordation of the initial subdivision plat, a seventy (70) foot wide right-of-way for a north/south collector (the "Collector") from Holly View Parkway to the northern property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
10. Access Plan. Prior to any tentative subdivision approval, an access plan for the Collector shall be submitted to and approved by the Transportation Department. Vehicular access from the property to the Collector shall conform to the approved access plan. (T)
11. Transportation Contribution. The Applicant shall pay to Chesterfield County prior to the issuance of each building permit the amount of \$8,915.00. If these amounts are paid after June 30, 2007, the amount paid shall be adjusted upward by any board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made.
 - a. The Transportation Contribution shall be used to construct the road improvements described in Proffered Condition 12.c. (the "Bridge") or if not constructed, as may otherwise be permitted by law. For purposes of this proffer, the costs to construct the Bridge shall include, but not be limited to, the cost of right-of-way acquisition, costs of relocating utilities and actual costs of construction (including labor, materials, engineering, cost of wetlands/stream mitigation and overhead) ("Work") all of which shall be approved in writing by the Transportation Department before any Work is performed.
 - b. During construction of the Bridge by the Applicant and upon receiving written request(s) for payment from the Applicant with supporting documentation of the Work completed by the Applicant, as determined by the Transportation Department, Chesterfield County shall periodically make payments, subject to appropriation of funds, to the Applicant that had the Work performed or credit against the future cash proffer payment for costs of the Work so long as the total payments and/or credits are not greater in value than that which has been collected in Transportation Contributions or the cost of the Work completed, whichever is less. Such payments shall be made within thirty (30) days of receipt

of a request with the required documentation and will be made no more frequently than once per month. (T)

12. Transportation Improvements. To provide an adequate roadway system, the Applicant shall be responsible for the following:
- a. Construction of additional pavement along Bailey Bridge Road at Holly View Parkway to provide left and right turn lanes.
 - b. Construction of a two-lane road for the Collector, to VDOT Urban Collector (40 MPH) standards with modifications approved by the Transportation Department, from the current terminus of Holly View Parkway, north through the property to the Resource Protection Area ("RPA") of Swift Creek.
 - c. Construction of a two-lane road for the Collector, to VDOT Urban Collector (40 MPH) standards with modifications approved by the Transportation Department, from the southern RPA line of Swift Creek on the property to Brad McNeer Parkway, including: i.) additional pavement along the Collector to provide a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes) at its intersection with Brad McNeer Parkway. The exact length of this improvement, which is approximately 1,000 feet, shall be approved by the Transportation Department; ii) additional pavement along Brad McNeer Parkway at the Collector intersection to provide left and right turn lanes; and iii) traffic signalization of the Brad McNeer Parkway/Collector intersection, if warranted as determined by the Transportation Department.
 - d. Construction of right and left turn lanes along the Collector at each approved access, if warranted based on Transportation Department standards.
 - e. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Applicant is unable to acquire the "off-site" right-of-way that is necessary for the road improvements described in Proffered Conditions 12.a. and c., the Applicant may request, in writing, that the Chesterfield County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Applicant but reimbursed as set forth in Proffered Condition 11. In the event Chesterfield County chooses not to assist the Applicant in acquisition of the "off-site" right-of-way, the Applicant shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
13. Phasing Plan. Prior to any construction plan approval, a phasing plan for the required road improvements as identified in Proffered Condition 12, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that prior to recordation of more than a cumulative total of two hundred (200) lots the road improvements described in Proffered Conditions 12.a., b., and c. shall be completed, as determined by the Transportation Department. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of the waiver to the "Residential Subdivision Connectivity Policy requirements to Quailwood Road.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

I. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.

Mr. C. L. Morrisette, a County resident, addressed concerns relative to the notification of adjacent property owners and suggested consideration be given to amending the requirements.

Ms. Kitty Snow, a Moseley resident, suggested the County consider implementing a mechanism whereby residents on fixed or limited incomes or individuals unable to attend the meetings would be able to view the meetings through public access television.

Ms. Marleen Durfee, a County resident, stated she appreciated the Commission forwarding a recommendation for denial of the proposed *Upper Swift Creek Plan* Amendment to the Board, citing the need for community meetings and the integration of transportation/environmental elements into the *Plan*. She also referenced action by the General Assembly and recommended the Commission invite a State representative to the next public hearing to address/explain recent legislation adopted by the General Assembly as it pertained to transportation issues.

J. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the meeting adjourned at 10:20 p. m. to June 19, 2007, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.